CONTENTS

AFFIRMATIVE ACTION AND THE PUBLIC INTEREST 1
David A. Strauss

THE CONSTITUTIONAL CONTOURS OF RACE AND POLITICS 45
Samuel Issacharoff

ASHWANDER REVISITED 71
Frederick Schauer

GUSTAFSON V ALLOYD CO.: AN OPINION THAT DID NOT WRITE 99
Edmund W. Kitch

TRANSLATING FEDERALISM: UNITED STATES V LOPEZ 125
Lawrence Lessig

THE COMMERCIAL CONSTITUTION 217
Lisa Heinzerling

PRIOR STATEMENTS OF A WITNESS: A NETTLESOME CORNER OF THE HEARSAY THICKET 277
Richard D. Friedman

QUO VADIS: THE STATUS AND PROSPECTS OF "TESTS" UNDER THE RELIGION CLAUSES 323
Kent Greenawalt

ESTABLISHMENT AND TOLERATION IN EDMUND BURKE'S "CONSTITUTION OF FREEDOM" 393
Michael W. McConnell